

Art Unit: 1644

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 01/28/2010 has been entered.

Applicant's Response to Non-Final Office Action Mailed August 20, 2009, filed 01/28/2010, has been entered.

2. Applicant's amendment, filed 07/30/2010, has been entered.

Claims 1-4 and 7 have been amended.

Claims 66-71 have been added.

Claims 5-6 and 8-65 have been canceled previously.

Claims 1-4, 7 and 66-71 are pending.

EXAMINER'S AMENDMENT

3. An Examiner's Amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 C.F.R. 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the Issue Fee.

4. The title has been replaced with the following:

-- HEMATOPOIETIC CELL E-SELECTIN / L-SELECTIN LIGAND GLYCOSYLATED CD44 POLYPEPTIDE -- .

REASONS FOR ALLOWANCE

5. The following is an Examiner's Statement of Reasons for Allowance:

Upon reconsideration of applicant's arguments in conjunction with various references as well as the Picker and Sackstein Declarations under 37 CFR 1.132 as they address the primary and secondary prior art references;

the previous rejections under 35 U.S.C. § 103(a) have been withdrawn.

For the record, it is noted that while the protein backbone of the claimed glycosylated CD44 polypeptides is not novel, the claimed hematopoietic cell E-selectin / L-selectin ligand glycosylated CD44 polypeptides appear to be free of the prior art.

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For example, CD44H was considered devoid of L-selectin binding at the time the invention was made (e.g., see Picker 132 Declaration and Berg et al., Am. J. Pathol. 136: 1053-1068, 1990; 1449). In turn, the prior art would not have led the ordinary artisan to HCELL as it reads on the claimed structural and functional characteristics of the claimed CD44 glycoproteins.

Also, the isolation of the claimed hematopoietic cell E-selectin / L-selectin glycosylated CD44 polypeptides was tied to the development of the blot rolling assay as described in the instant specification, which relies, in part, on screening via CD34 and HECA-452 antibody selection in a defined order and under certain conditions (e.g., see specification and Picker 132 Declaration).

According, the purified preparations of the glycosylated CD44 polypeptides are deemed allowable.

6. Any comments considered necessary by applicant must be submitted no later than the payment of the Issue Fee and, to avoid processing delays, should preferably accompany the Issue Fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phillip Gambel whose telephone number is (571) 272-0844. The examiner can normally be reached Monday through Thursday from 7:30 am to 6:00 pm. A message may be left on the examiner's voice mail service. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ram Shukla can be reached on (571) 272-0735.

The fax number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/ Phillip Gambel /
Primary Examiner
Art Unit 1644
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August 1, 2010